

Senate Study Bill 1123

SENATE/HOUSE FILE _____
BY (PROPOSED SECRETARY OF
STATE BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act making technical changes to the laws relating to elections
2 and voter registration, making a penalty applicable, and
3 including effective date and applicability date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1288DP 83
6 sc/nh/14

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1 1 Section 1. Section 2.27, Code 2009, is amended to read as
2 follows:

1 3 2.27 CANVASS OF VOTES FOR GOVERNOR.

1 4 The general assembly shall meet in joint session on the
1 5 same day the assembly first convenes in January of 1979 and
1 6 every four years thereafter as soon as both houses have been
1 7 organized, and canvass the votes cast for governor and
1 8 lieutenant governor and determine the election. When the
1 9 canvass is completed, the oath of office shall be administered
1 10 to the persons ~~or person~~ so declared elected. Upon being
1 11 inaugurated the governor shall deliver to the joint assembly
1 12 any message the governor may deem expedient.

1 13 Sec. 2. Section 8A.412, subsection 11, Code 2009, is
1 14 amended to read as follows:

1 15 11. Professional employees under the supervision of the
1 16 attorney general, the state public defender, the secretary of
1 17 state, the auditor of state, the treasurer of state, and the
1 18 public employment relations board. However, employees of the
1 19 consumer advocate division of the department of justice, other
1 20 than the consumer advocate, are subject to the merit system.

1 21 Sec. 3. Section 39A.2, subsection 1, paragraph f, Code
1 22 2009, is amended to read as follows:

1 23 f. VOTING EQUIPMENT TAMPERING. Intentionally alters or
1 24 damages any computer software or any physical part of a voting
1 25 ~~machine equipment~~, automatic tabulating equipment, or any
1 26 other part of a voting system.

1 27 Sec. 4. Section 43.4, unnumbered paragraph 4, Code 2009,
1 28 is amended to read as follows:

1 29 Within fourteen days after the date of the caucus the
1 30 county central committee shall certify to the county
1 31 commissioner the names of those elected as party committee
1 32 members and delegates to the county convention. The
1 33 commissioner shall retain precinct caucus records for
1 34 twenty-two months. In addition, within fourteen days after
1 35 the date of the precinct caucus, the chairperson of the county
2 1 central committee shall deliver to the county commissioner all
2 2 completed voter registration forms received at the caucus.

2 3 Sec. 5. Section 43.5, Code 2009, is amended to read as
2 4 follows:

2 5 43.5 APPLICABLE STATUTES.

2 6 The provisions of chapters 39, ~~39A~~, 47, 48A, 49, 50, 51,
2 7 52, 53, 57, 58, 59, 61, 62, 68A, and 722 shall apply, so far
2 8 as applicable, to all primary elections, except as hereinafter
2 9 provided.

2 10 Sec. 6. NEW SECTION. 43.31 FORM OF OFFICIAL BALLOT ==
2 11 IMPLEMENTATION BY RULE.

2 12 The state commissioner shall adopt rules in accordance with
2 13 chapter 17A to implement sections 43.27 through 43.30, section
2 14 43.36, sections 49.30 through 49.41, section 49.57, and any
2 15 other provision of the law prescribing the form of the
2 16 official ballot.

2 17 Sec. 7. Section 43.45, subsection 3, Code 2009, is amended
2 18 by striking the subsection.

2 19 Sec. 8. Section 43.77, subsection 4, Code 2009, is amended
2 20 to read as follows:

2 21 4. A vacancy has occurred in the office of senator in the
2 22 Congress of the United States, ~~lieutenant governor~~, secretary
2 23 of state, auditor of state, treasurer of state, secretary of
2 24 agriculture, or attorney general, under the circumstances
2 25 described in section 69.13, less than eighty-nine days before
2 26 the primary election and not less than eighty-nine days before
2 27 the general election.

2 28 Sec. 9. Section 44.5, Code 2009, is amended to read as
2 29 follows:

2 30 44.5 NOTICE OF OBJECTIONS.

2 31 When objections are filed notice shall ~~forthwith~~
2 32 ~~immediately~~ be given to the ~~affected~~ candidate ~~affected~~
2 33 ~~thereby~~. The notice shall be addressed to the candidate's
2 34 place of residence as given in the certificate of nomination,
2 35 stating that objections have been made to ~~said the~~
3 1 certificate, ~~also stating~~. The notice shall include the time
3 2 and place ~~such of the hearing at which the~~ objections will be
3 3 considered. ~~The hearing shall be held not later than one week~~
3 4 ~~after the objection is filed.~~

3 5 Sec. 10. Section 45.1, subsections 2, 3, 4, 5, and 6, Code
3 6 2009, are amended to read as follows:

3 7 2. Nominations for candidates for a representative in the
3 8 United States house of representatives may be made by
3 9 nomination petitions signed by not less than the number of
3 10 eligible electors equal to the number of signatures required
3 11 in subsection 1 divided by the number of congressional
3 12 districts. Signers of the petition shall be eligible electors
3 13 who are residents of the congressional district.

3 14 3. Nominations for candidates for the state senate may be
3 15 made by nomination petitions signed by not less than one
3 16 hundred eligible electors who are residents of the senate
3 17 district.

3 18 4. Nominations for candidates for the state house of
3 19 representatives may be made by nomination petitions signed by
3 20 not less than fifty eligible electors who are residents of the
3 21 representative district.

3 22 5. Nominations for candidates for offices filled by the
3 23 voters of a whole county may be made by nomination petitions
3 24 signed by eligible electors who are residents of the county
3 25 equal in number to at least one percent of the number of
3 26 registered voters in the county on July 1 in the year
3 27 preceding the year in which the office will appear on the
3 28 ballot, or by at least two hundred fifty eligible electors who
3 29 are residents of the county, whichever is less.

3 30 6. Nominations for candidates for the office of county
3 31 supervisor elected by the voters of a supervisor district may
3 32 be made by nomination petitions signed by eligible electors
3 33 who are residents of the supervisor district equal in number
3 34 to at least one percent of the number of registered voters in
3 35 the supervisor district on July 1 in the year preceding the
4 1 year in which the office will appear on the ballot, or by at
4 2 least one hundred fifty eligible electors who are residents of
4 3 the supervisor district, whichever is less.

4 4 Sec. 11. Section 46.22, Code 2009, is amended to read as
4 5 follows:

4 6 46.22 VOTING.

4 7 Voting at judicial elections shall be by separate paper
4 8 ballot, ~~or optical scan ballot, or by voting machine~~ in the
4 9 space provided for public measures. If separate paper ballots
4 10 are used, the election judges shall offer a ballot to each
4 11 voter. If optical scan ballots are used, either a separate
4 12 ballot or a distinct heading may be used to distinguish the
4 13 judicial ballot. Separate ballot boxes for the general
4 14 election ballots and the judicial election ballots are not
4 15 required. The general election ballot and the judicial
4 16 election ballot may be voted in the same voting booth.

4 17 Sec. 12. Section 47.3, Code 2009, is amended to read as
4 18 follows:

4 19 47.3 ELECTION EXPENSES.

4 20 1. The costs of conducting a special election called by
4 21 the governor, general election, and the primary election held
4 22 prior to the general election shall be paid by the county.

4 23 2. The cost of conducting other elections shall be paid by
4 24 the political subdivision for which the election is held. The
4 25 costs shall include, but not be limited to, the printing of
4 26 the ballots and the election register, publication of notices,
4 27 printing of declaration of eligibility affidavits,
4 28 compensation for precinct election boards, canvass materials,
4 29 and the preparation and installation of voting ~~machines~~

4 30 equipment. The county commissioner of elections shall certify
4 31 to the county board of supervisors a statement of cost for an
4 32 election. The cost shall be assessed by the county board of
4 33 supervisors against the political subdivision for which the
4 34 election was held.

4 35 3. a. Costs of registration and administrative and
5 1 clerical costs shall not be charged as a part of the election
5 2 costs.

5 3 b. ~~If voting machines are automatic tabulating equipment~~
5 4 ~~is~~ used in any election, the county commissioner of elections
5 5 shall not charge any political subdivision of the state a
5 6 rental fee for the use of any ~~voting machines~~ automatic
5 7 tabulating equipment.

5 8 4. The cost of maintenance of voter registration records
5 9 and of preparation of election registers and any other voter
5 10 registration lists required by the commissioner in the
5 11 discharge of the duties of that office shall be paid by the
5 12 county. Administrative and clerical costs, incurred by the
5 13 registrar in discharging the duties of that office shall be
5 14 paid by the state.

5 15 Sec. 13. Section 47.6, subsection 3, paragraph a, Code
5 16 2009, is amended to read as follows:

5 17 a. A city council ~~or a~~ county board of supervisors,
5 18 ~~school district board of directors, or merged area board of~~
5 19 ~~directors~~ that has authorized a public measure to be submitted
5 20 to the voters at a special election held pursuant to section
5 21 39.2, subsection 4, shall file the full text of the public
5 22 measure with the commissioner no later than 5:00 p.m. on the
5 23 forty-sixth day before the election.

5 24 Sec. 14. Section 48A.2, subsection 5, Code 2009, is
5 25 amended to read as follows:

5 26 5. "Voter registration form" means an application to
5 27 register to vote which must be completed by or on behalf of
5 28 any person registering to vote. The voter registration form
5 29 may also be used to make changes to an existing voter
5 30 registration record.

5 31 Sec. 15. Section 48A.8, subsection 1, Code 2009, is
5 32 amended to read as follows:

5 33 1. An eligible elector may ~~register to vote by completing~~
5 34 ~~a mail request that a voter registration form be mailed to the~~
5 35 ~~elector.~~ The completed form may be mailed or delivered by the
6 1 registrant or the registrant's designee to the commissioner in
6 2 the county where the person resides. A separate voter
6 3 registration form shall be signed by each individual
6 4 registrant.

6 5 Sec. 16. Section 48A.25A, subsection 1, Code 2009, is
6 6 amended to read as follows:

6 7 1. a. Upon receipt of an application for voter
6 8 registration ~~by mail, the state registrar of voters~~
6 9 ~~commissioner of registration~~ shall compare the Iowa driver's
6 10 license number, the Iowa nonoperator's identification card
6 11 number, or the last four numerals of the social security
6 12 number provided by the registrant with the records of the
6 13 state department of transportation. To be verified, the voter
6 14 registration record shall contain the same name, date of
6 15 birth, and Iowa driver's license number or Iowa nonoperator's
6 16 identification card number or whole or partial social security
6 17 number as the records of the state department of
6 18 transportation. If the information cannot be verified, the
6 19 application shall be ~~rejected~~ recorded and ~~the registrant~~
6 20 ~~shall be notified of the reason for the rejection the status~~
6 21 ~~of the voter's record shall be designated as pending status.~~
6 22 The commissioner of registration shall notify the applicant
6 23 that the applicant is required to present identification
6 24 described in section 48A.8, subsection 2, before voting for
6 25 the first time in the county. If the information can be
6 26 verified, a record shall be made of the verification and the
6 27 ~~application shall be accepted~~ status of the voter's record
6 28 ~~shall be designated as active status.~~

6 29 b. This subsection shall not apply to applications
6 30 received from registrants pursuant to section 48A.7A.

6 31 Sec. 17. Section 48A.26, subsections 1 and 3, Code 2009,
6 32 are amended to read as follows:

6 33 1. a. ~~Within~~ Except as otherwise provided in paragraph
6 34 "b", within seven working days of receipt of a voter
6 35 registration form or change of information in a voter
7 1 registration record the commissioner shall send an
7 2 acknowledgment to the registrant at the mailing address shown
7 3 on the registration form. The acknowledgment shall be sent by
7 4 nonforwardable mail.

7 5 b. For a voter registration form or change of information

~~7 6 in a voter registration record submitted at a precinct caucus.~~
~~7 7 the commissioner shall send an acknowledgment within~~
~~7 8 forty-five days of receipt of the form or change of~~
~~7 9 information.~~

7 10 3. If the registration form is missing required
7 11 information pursuant to section 48A.11, subsection 8, the
7 12 acknowledgment shall advise the applicant what additional
7 13 information is required. The commissioner shall enclose a new
7 14 registration ~~by mail~~ form for the applicant to use. If the
7 15 registration form has no address, the commissioner shall make
7 16 a reasonable effort to determine where the acknowledgment
7 17 should be sent. ~~If the incomplete application is received~~
~~7 18 during the twelve days before the close of registration for an~~
~~7 19 election, the commissioner shall provide the registrant with~~
~~7 20 an opportunity to complete the form before the close of~~
~~7 21 registration. If the incomplete registration form is received~~
7 22 during the period in which registration is closed pursuant to
7 23 section 48A.9 but by 5:00 p.m. on the Saturday before the
7 24 election for general and primary elections or by 5:00 p.m. on
7 25 the Friday before the election for all other elections, the
7 26 commissioner shall send a notice advising the applicant of
7 27 election day and in-person absentee registration procedures
7 28 under section 48A.7A.

7 29 Sec. 18. Section 48A.27, subsection 4, paragraphs b and c,
7 30 Code 2009, are amended to read as follows:

7 31 b. If the information provided by the vendor indicates
7 32 that a registered voter has moved to another address within
7 33 the county, the commissioner shall change the registration
7 34 records to show the new residence address, and shall also mail
7 35 a notice of that action to ~~both the former and new addresses~~
8 1 address. The notice shall be sent by forwardable mail, and
8 2 shall include a postage prepaid preaddressed return form by
8 3 which the registered voter may verify or correct the address
8 4 information.

8 5 c. If the information provided by the vendor indicates
8 6 that a registered voter has moved to an address outside the
8 7 county, the commissioner shall make the registration record
8 8 inactive, and shall mail a notice to the registered voter at
8 9 ~~both the former and new addresses~~ address.

8 10 (1) The notice shall be sent by forwardable mail, and
8 11 shall include a postage paid preaddressed return card on which
8 12 the registered voter may state the registered voter's current
8 13 address.

8 14 (2) The notice shall contain a statement in substantially
8 15 the following form:

8 16 "Information received from the United States postal service
8 17 indicates that you are no longer a resident of, and therefore
8 18 not eligible to vote in (name of county) County, Iowa. If
8 19 this information is not correct, and you still live in (name
8 20 of county) County, please complete and mail the attached
8 21 postage paid card at least ten days before the primary or
8 22 general election and at least eleven days before any other
8 23 election at which you wish to vote. If the information is
8 24 correct and you have moved, please contact a local official in
8 25 your new area for assistance in registering there. If you do
8 26 not mail in the card, you may be required to show
8 27 identification before being allowed to vote in (name of
8 28 county) County. If you do not return the card, and you do not
8 29 vote in an election in (name of county) County, Iowa, on or
8 30 before (date of second general election following the date of
8 31 the notice) your name will be removed from the list of voters
8 32 in that county. ~~To ensure you receive this notice, it is~~
~~8 33 being sent to both your most recent registration address and~~
~~8 34 to your new address as reported by the postal service."~~

8 35 Sec. 19. Section 48A.31, Code 2009, is amended to read as
9 1 follows:

9 2 48A.31 DECEASED PERSONS RECORD.

9 3 The state registrar of vital statistics shall transmit or
9 4 cause to be transmitted to the state registrar of voters, once
9 5 each calendar quarter, a certified list of all persons
9 6 seventeen and one-half years of age and older in the state
9 7 whose deaths have been reported to the bureau of vital records
9 8 of the Iowa department of public health since the previous
9 9 list of decedents was certified to the state registrar of
9 10 voters. The list shall be submitted according to the
9 11 specifications of the state registrar of voters, ~~who shall~~
~~9 12 determine whether each listed decedent was registered to vote~~
~~9 13 in this state. If the decedent was registered in a county~~
~~9 14 which uses its own data processing facilities for voter~~
~~9 15 registration recordkeeping, the registrar shall notify the~~
~~9 16 commissioner in that county who shall cancel the decedent's~~

~~9 17 registration. If the decedent was registered in a county for~~
~~9 18 which voter registration recordkeeping is performed under~~
~~9 19 contract by the registrar, the registrar shall immediately~~
~~9 20 cancel the registration and notify the commissioner of the~~
~~9 21 county in which the decedent was registered to vote of the~~
~~9 22 cancellation. The commissioner shall immediately cancel the~~
~~9 23 registration of any person named on the list of decedents.~~

9 24 Sec. 20. Section 48A.37, subsection 2, Code 2009, is
9 25 amended to read as follows:

9 26 2. Electronic records shall include a status code
9 27 designating whether the records are active, inactive,
9 28 incomplete, pending, or canceled. Inactive records are
9 29 records of registered voters to whom notices have been sent
9 30 pursuant to section 48A.28, subsection 3, and who have not
9 31 returned the card or otherwise responded to the notice, and
9 32 those records have been designated inactive pursuant to
9 33 section 48A.29. Inactive records are also records of
9 34 registered voters to whom notices have been sent pursuant to
9 35 section 48A.26A and who have not responded to the notice.
10 1 Incomplete records are records missing required information
10 2 pursuant to section 48A.11, subsection 8. Pending records are
10 3 records of applicants whose applications have not been
10 4 verified pursuant to section 48A.25A. Canceled records are
10 5 records that have been canceled pursuant to section 48A.30.
10 6 All other records are active records. An inactive record
10 7 shall be made active when the registered voter requests an
10 8 absentee ballot, votes at an election, registers again, or
10 9 reports a change of name, address, telephone number, or
10 10 political party or organization affiliation. An incomplete
10 11 record shall be made active when a completed application is
10 12 received from the applicant and verified pursuant to section
10 13 48A.25A. A pending record shall be made active upon
10 14 verification or upon the voter providing identification
10 15 pursuant to section 48A.8.

10 16 Sec. 21. Section 48A.38, Code 2009, is amended by adding
10 17 the following new subsection:

10 18 NEW SUBSECTION. 1A. The registrar shall update
10 19 information on participation in an election no later than
10 20 sixty days after each election.

10 21 Sec. 22. Section 49.19, Code 2009, is amended to read as
10 22 follows:

10 23 49.19 UNPAID OFFICIALS, PAPER BALLOTS OPTIONAL FOR CERTAIN
10 24 CITY ELECTIONS.

10 25 The commissioner may appoint unpaid election precinct
10 26 officials to election boards, as provided by sections 49.15,
10 27 49.16, and 49.20, or elect not to use ~~voting machines~~
10 28 automatic tabulating equipment even though ~~they are~~ it is
10 29 available, as permitted by section 49.26, or both, for any
10 30 election held for a city, even if the city has a population of
10 31 more than three thousand five hundred, if there is no contest
10 32 for any office on the ballot and no public question is being
10 33 submitted to the voters at that election.

10 34 Sec. 23. Section 49.25, subsections 1, 2, and 3, Code
10 35 2009, are amended to read as follows:

11 1 1. ~~In any county or portion of a county for which voting~~
~~11 2 machines have been acquired under section 52.2 the~~ The
11 3 commissioner shall determine pursuant to section 49.26,
11 4 subsection 2, in advance of ~~each an~~ election ~~conducted for a~~
~~11 5 city of three thousand five hundred or less population, or any~~
~~11 6 school district, and individually for each precinct, whether~~
11 7 voting ballots voted in that election shall be counted by
11 8 machine automatic tabulating equipment or by paper ballot
11 9 precinct election officials. ~~In counties in which~~
~~11 10 conventional paper ballots are not used~~ If automatic

~~11 11 tabulating equipment will be used,~~ the commissioner shall
11 12 furnish voting equipment for use by voters with disabilities.

11 13 2. The commissioner shall furnish to each precinct, in
11 14 advance of each election, ~~voting machines meeting the~~
~~11 15 requirements of chapter 52 or voting booths, as the case may~~
~~11 16 be,~~ in the following number:

11 17 a. At each regularly scheduled election, at least one for
11 18 every three hundred fifty voters who voted in the last
11 19 preceding similar election held in the precinct.

11 20 b. At any special election at which the ballot contains
11 21 only a single public measure or only candidates for a single
11 22 office or position, the number determined by the commissioner.

11 23 3. The commissioner shall furnish to each precinct ~~where~~
~~11 24 voting is to be by paper ballot or optical scan ballot, rather~~
~~11 25 than by voting machine,~~ the necessary ballot boxes, suitably
11 26 equipped with seals or locks and keys, and voting booths. The
11 27 voting booths shall ~~be approved by the board of examiners for~~

~~11 28 voting machines and optical scan voting systems and shall~~
11 29 provide for voting in secrecy. At least one voting booth in
11 30 each precinct shall be accessible to persons with
11 31 disabilities. ~~If the lighting in the polling place is~~
~~11 32 inadequate, the voting booths used in that precinct shall~~
~~11 33 include lights.~~ Ballot boxes shall be locked or sealed before
11 34 the polls open and shall remain locked or sealed until the
11 35 polls are closed, except as provided in section 51.7 or to
12 1 provide necessary service to a malfunctioning ~~portable vote~~
~~12 2 tallying device automatic tabulating equipment.~~ If a ballot
12 3 box is opened prior to the closing of the polls, two precinct
12 4 election officials not of the same party shall be present and
12 5 observe the ballot box being opened.

12 6 Sec. 24. Section 49.26, Code 2009, is amended to read as
12 7 follows:

12 8 49.26 COMMISSIONER TO DECIDE METHOD OF VOTING == COUNTING
12 9 OF BALLOTS.

12 10 1. In all elections regulated by this chapter, the voting
12 11 shall be by paper ballots printed and distributed as provided
12 12 by law, or by voting ~~machines systems~~ meeting the requirements
12 13 of chapter 52.

12 14 2. ~~a. When voting machines are available for an election~~
~~12 15 precinct, the The~~ commissioner shall determine in advance of
12 16 each election conducted for a city of three thousand five
12 17 hundred or less population or for any school district in which
~~12 18 voting occurs in that precinct whether voting there shall be~~
~~12 19 by machine or paper ballot whether the ballots will be counted~~
~~12 20 by automatic tabulating equipment or by the precinct election~~
~~12 21 officials. If In making such a determination, the~~

12 22 commissioner ~~concludes, on the basis of shall consider~~ voter
12 23 turnout for recent similar elections and factors considered
12 24 likely to affect voter turnout for the forthcoming election.
12 25 b. If the commissioner concludes that voting will probably
12 26 be so light as to make preparation and use of paper counting
~~12 27 of ballots by the precinct elections officials less expensive~~
12 28 than preparation and use of a voting machine automatic
12 29 tabulating equipment, paper ballots shall be used. The
12 30 commissioner may use ballots and instructions similar to those
12 31 used when the ballots are counted by automatic tabulating
12 32 equipment.

12 33 3. ~~In counties in which automatic tabulating equipment is~~
~~12 34 available, the commissioner shall determine in advance of each~~
~~12 35 election whether the ballots will be counted by the automatic~~
~~13 1 tabulating equipment or by the precinct election officials.~~
~~13 2 The commissioner may use ballots and instructions similar to~~
~~13 3 those used when the ballots are counted by automatic~~
~~13 4 tabulating equipment.~~

13 5 Sec. 25. Section 49.28, subsection 3, Code 2009, is
13 6 amended by striking the subsection.

13 7 Sec. 26. Section 49.43, Code 2009, is amended to read as
13 8 follows:

13 9 49.43 CONSTITUTIONAL AMENDMENT OR OTHER PUBLIC MEASURE.

13 10 1. If possible, all public measures and constitutional
13 11 amendments to be voted upon by an elector shall be included on
13 12 a single ballot which shall also include all offices to be
13 13 voted upon. However, if it is necessary, a separate ballot
13 14 may be used as provided in section 49.30, subsection 1.

13 15 ~~In precincts using paper ballots all public measures to be~~
~~13 16 voted upon by a voter at a given election shall be printed~~
~~13 17 upon one ballot of some color other than white. In precincts~~
~~13 18 using voting machines all public measures shall be placed on~~
~~13 19 the machine.~~

13 20 2. Constitutional amendments and other public measures may
13 21 be summarized by the commissioner as provided in sections
13 22 49.44 and 52.25.

13 23 Sec. 27. Section 49.44, unnumbered paragraph 2, Code 2009,
13 24 is amended by striking the paragraph.

13 25 Sec. 28. Section 49.48, Code 2009, is amended to read as
13 26 follows:

13 27 49.48 NOTICE FOR JUDICIAL OFFICERS AND CONSTITUTIONAL
13 28 AMENDMENTS.

13 29 The state commissioner of elections shall prescribe a
13 30 notice to inform voters of the location on the ballot of the
13 31 form for retaining or removing judicial officers and for
13 32 ratifying or defeating proposed constitutional amendments.
13 33 The notice shall be conspicuously attached to the ~~voting~~
~~13 34 machine or to the ballot.~~

13 35 Sec. 29. Section 49.53, subsection 1, Code 2009, is
14 1 amended to read as follows:

14 2 1. The commissioner shall not less than four nor more than
14 3 twenty days before the day of each election, except those for

14 4 which different publication requirements are prescribed by
14 5 law, publish notice of the election. The notice shall contain
14 6 a facsimile of the portion of the ballot containing the first
14 7 rotation as prescribed by section 49.31, subsection 2, and
14 8 shall show the names of all candidates or nominees and the
14 9 office each seeks, and all public questions, to be voted upon
14 10 at the election. The sample ballot published as a part of the
14 11 notice may at the discretion of the commissioner be reduced in
14 12 size relative to the actual ballot but such reduction shall
14 13 not cause upper case letters appearing in candidates' names or
14 14 in summaries of public measures on the published sample ballot
14 15 to be less than ~~ninety percent of the size of such upper case~~
~~14 16 letters appearing on the actual ballot nine point type.~~ The
14 17 notice shall also state the date of the election, the hours
14 18 the polls will be open, the location of each polling place at
14 19 which voting is to occur in the election, ~~the location of the~~
~~14 20 polling places designated as early ballot pick-up sites,~~ and
14 21 the names of the precincts voting at each polling place, but
14 22 the statement need not set forth any fact which is apparent
14 23 from the portion of the ballot appearing as a part of the same
14 24 notice. The notice shall include the full text of all public
14 25 measures to be voted upon at the election.

14 26 Sec. 30. Section 49.56, Code 2009, is amended to read as
14 27 follows:

14 28 49.56 MAXIMUM COST OF PRINTING.

14 29 The cost of printing the official election ballots and
14 30 printed supplies ~~for voting machines~~ shall not exceed the
14 31 usual and customary rates that the printer charges its regular
14 32 customers.

14 33 Sec. 31. Section 49.57, subsections 5 and 6, Code 2009,
14 34 are amended to read as follows:

14 35 5. On ballots that will be counted by ~~electronic~~ automatic
15 1 tabulating equipment, ballots shall include a voting target
15 2 next to the name of each candidate. The position, shape, and
15 3 size of the targets shall be appropriate for the equipment to
15 4 be used in counting the votes. Where paper ballots are used,
15 5 a square may be printed at the beginning of each line in which
15 6 the name of a candidate is printed, except as otherwise
15 7 provided.

15 8 6. A portion of the ballot, ~~which can be shown to the~~
~~15 9 precinct officials without revealing any of the marks made by~~
~~15 10 the voter,~~ shall include the words "Official ballot", the
15 11 unique identification number or name assigned by the
15 12 commissioner to the ballot style, the date of the election,
15 13 and a facsimile of the signature of the commissioner who has
15 14 caused the ballot to be printed pursuant to section 49.51.

15 15 Sec. 32. NEW SECTION. 49.57A FORM OF OFFICIAL BALLOT ==
15 16 IMPLEMENTATION BY RULE.

15 17 The state commissioner shall adopt rules in accordance with
15 18 chapter 17A to implement sections 49.30 through 49.41, section
15 19 49.57, and any other provision of the law prescribing the form
15 20 of the official ballot.

15 21 Sec. 33. Section 49.77, subsection 3, paragraph b, Code
15 22 2009, is amended to read as follows:

15 23 b. A precinct election official may require of the voter
15 24 unknown to the official, identification ~~upon which the voter's~~
~~15 25 signature or mark appears in the form prescribed by the state~~
~~15 26 commissioner.~~ If identification is established to the
15 27 satisfaction of the precinct election officials, the person
15 28 may then be allowed to vote.

15 29 Sec. 34. Section 49.84, Code 2009, is amended to read as
15 30 follows:

15 31 49.84 MARKING AND RETURN OF BALLOT.

15 32 1. a. After receiving the ballot, the voter shall
15 33 immediately go ~~alone~~ to ~~one of the~~ next available voting
15 34 ~~booths~~ booth, and without delay mark the ballot. All voters
15 35 shall vote in booths. ~~No special lines shall be used to~~
~~16 1 separate voters who state that they wish to vote only a~~
~~16 2 portion of the ballot.~~

16 3 b. Before leaving the voting booth, the voter ~~shall fold~~
~~16 4 the ballot or may enclose it the ballot~~ in a secrecy folder to
16 5 conceal the marks on the ballot. ~~The voter shall deliver the~~
~~16 6 ballot to one of the precinct election officials. No~~
~~16 7 identifying mark or symbol shall be endorsed on the back of~~
~~16 8 the voter's ballot.~~

16 9 c. If the precinct has ~~a portable vote tallying system~~
~~16 10 which automatic tabulating equipment that~~ will not permit more
16 11 than one ballot to be inserted at a time, the voter may insert
16 12 the ballot into the tabulating device; otherwise, the election
16 13 official shall place the ballot in the ballot box. An
16 14 identifying mark or symbol shall not be endorsed on the

16 15 voter's ballot.

16 16 2. This section does not prohibit a voter from taking
16 17 minor children into the voting booth with the voter.
16 18 Sec. 35. Section 49.90, Code 2009, is amended to read as
16 19 follows:

16 20 49.90 ASSISTING VOTER.

16 21 Any voter who may declare upon oath that the voter is
16 22 blind, cannot read the English language, or is, by reason of
16 23 any physical disability other than intoxication, unable to
16 24 cast a vote without assistance, shall, upon request, be
16 25 assisted by the two officers as provided in section 49.89, or
16 26 alternatively by any other person the voter may select in
16 27 casting the vote. The officers, or the person selected by the
16 28 voter, shall cast the vote of the voter requiring assistance,
16 29 and shall thereafter give no information regarding the vote
16 30 cast. If any elector because of a disability cannot enter the
16 31 building where the polling place for the elector's precinct of
16 32 residence is located, the two officers shall take a paper
16 33 ballot to the vehicle occupied by the elector with a
16 34 disability and allow the elector to cast the ballot in the
16 35 vehicle. ~~If an elector with a disability cannot cast a ballot~~

~~17 1 on a voting machine, the elector shall be allowed to cast a~~
~~17 2 paper ballot, which shall be opened immediately after the~~
~~17 3 closing of the polling place by the two precinct election~~
~~17 4 officials designated under section 49.89, who shall register~~
~~17 5 the votes cast thereon on a voting machine in the polling~~
~~17 6 place before the votes cast there are tallied pursuant to~~
~~17 7 section 50.16. To preserve so far as possible the~~
~~17 8 confidentiality of each ballot of an elector with a~~
~~17 9 disability, the two officers shall proceed substantially in~~
~~17 10 the same manner as provided in section 53.24. In precincts~~
~~17 11 where all voters use paper ballots, those Ballots cast by~~
17 12 voters with disabilities shall be deposited in the regular
17 13 ballot box, or inserted in the tabulating device, and counted
17 14 in the usual manner.

17 15 Sec. 36. Section 49.99, subsection 2, Code 2009, is
17 16 amended to read as follows:

17 17 2. If a voter writes the name of a person more than once
17 18 in the proper places on a ballot ~~or on a voting machine~~ for an
17 19 office to which more than one person is to be elected, all but
17 20 one of those votes for that person for that office are void
17 21 and shall not be counted.

17 22 Sec. 37. Section 49.127, Code 2009, is amended to read as
17 23 follows:

17 24 49.127 COMMISSIONER TO EXAMINE ~~MACHINES~~ EQUIPMENT.

17 25 It shall be the duty of each commissioner to determine that
17 26 all voting ~~machines are~~ equipment is operational and
17 27 functioning properly and that all materials necessary for the
17 28 conduct of the election are in the commissioner's possession
17 29 and are correct.

17 30 Sec. 38. Section 50.15A, subsection 1, Code 2009, is
17 31 amended to read as follows:

17 32 1. In order to provide the public with an early source of
17 33 election results before the official canvass of votes, the
17 34 state commissioner of elections, in cooperation with the
17 35 commissioners of elections, shall conduct an unofficial
18 1 canvass of election results following the closing of the polls
18 2 on the day of a general election. The unofficial canvass
18 3 shall report election results for national offices, statewide
18 4 offices, the office of state representative, the office of
18 5 state senator, and other offices or public measures at the
18 6 discretion of the state commissioner of elections. The
18 7 unofficial canvass shall also report the total number of
18 8 ballots cast at the general election.

18 9 Sec. 39. Section 50.22, unnumbered paragraph 3, Code 2009,
18 10 is amended to read as follows:

18 11 If a provisional ballot is rejected, the person casting the
18 12 ballot shall be notified by the commissioner within ten days
18 13 of the reason for the rejection, on the form prescribed by the
18 14 state commissioner pursuant to section 53.25, and the envelope
18 15 containing the provisional ballot shall be preserved unopened
18 16 and disposed of in the same manner as spoiled ballots. The
18 17 provisional ballots which are accepted shall be counted in the
18 18 manner prescribed by section ~~53.24~~ 53.23, subsection 5. The
18 19 commissioner shall make public the number of provisional
18 20 ballots rejected and not counted, at the time of the canvass
18 21 of the election.

18 22 Sec. 40. Section 50.24, Code 2009, is amended to read as
18 23 follows:

18 24 50.24 CANVASS BY BOARD OF SUPERVISORS.

18 25 1. The county board of supervisors shall meet to canvass

18 26 the vote on the first Monday or Tuesday after the day of each
18 27 election to which this chapter is applicable, unless the law
18 28 authorizing the election specifies another date for the
18 29 canvass. If that Monday or Tuesday is a public holiday,
18 30 section 4.1, subsection 34, controls.

18 31 2. Upon convening, the board shall open and canvass the
18 32 tally lists and shall prepare abstracts stating, ~~in words~~
~~18 33 written at length,~~ the number of votes cast in the county, or
18 34 in that portion of the county in which the election was held,
18 35 for each office and on each question on the ballot for the
19 1 election. The board shall contact the chairperson of the
19 2 special precinct board before adjourning and include in the
19 3 canvass any absentee ballots which were received after the
19 4 polls closed in accordance with section 53.17 and which were
19 5 canvassed by the special precinct board after election day.
19 6 The abstract shall further indicate the name of each person
19 7 who received votes for each office on the ballot, and the
19 8 number of votes each person named received for that office,
19 9 and the number of votes for and against each question
19 10 submitted to the voters at the election. The votes of all
19 11 write-in candidates who each received less than ~~two~~ five
19 12 percent of the votes cast for an office shall be reported
19 13 collectively under the heading "scattering".

19 14 3. The board shall certify an election canvass summary
19 15 report prepared by the commissioner. The election canvass
19 16 summary report shall include the results of the election,
19 17 including scatterings, overvotes, and undervotes, by precinct
19 18 for each contest and public measure that appeared on the
19 19 ballot of the election being canvassed.

19 20 4. The board shall ~~also~~ prepare a certificate showing the
19 21 total number of people who cast ballots in the election. For
19 22 general elections and elections held pursuant to section
19 23 69.14, a copy of the certificate shall be forwarded to the
19 24 state commissioner.

19 25 5. Any obvious clerical errors in the tally lists from the
19 26 precincts shall be corrected by the supervisors. Complete
19 27 records of any changes shall be recorded in the minutes of the
19 28 canvass.

19 29 Sec. 41. Section 50.30, subsection 1, unnumbered paragraph
19 30 1, Code 2009, is amended to read as follows:
19 31 The commissioner shall, within ~~ten~~ thirteen days after the
19 32 election, forward to the state commissioner one of the
19 33 duplicate abstracts of votes for each of the following
19 34 offices:

19 35 Sec. 42. NEW SECTION. 50.30A ELECTION CANVASS SUMMARY
20 1 FORWARDED TO STATE COMMISSIONER.
20 2 The commissioner shall, within thirteen days after each
20 3 primary and general election, forward to the state
20 4 commissioner a true and exact copy of the election canvass
20 5 summary report certified by the county board of canvassers.

20 6 Sec. 43. Section 50.39, Code 2009, is amended to read as
20 7 follows:
20 8 50.39 ABSTRACT.
20 9 It shall make an abstract stating, ~~in words written at~~
~~20 10 length,~~ the number of ballots cast for each office, the names
20 11 of all the persons voted for, for what office, the number of
20 12 votes each received, and whom it declares to be elected, and
20 13 if a public question has been submitted to the voters of the
20 14 state, the number of ballots cast for and against the question
20 15 and a declaration of the result as determined by the
20 16 canvassers; which abstract shall be signed by the canvassers
20 17 in their official capacity and as state canvassers, and have
20 18 the seal of the state affixed.

20 19 Sec. 44. Section 50.48, subsection 4, paragraphs a and c,
20 20 Code 2009, are amended to read as follows:
20 21 a. When all members of the recount board have been
20 22 selected, the board shall undertake and complete the required
20 23 recount as expeditiously as reasonably possible. The
20 24 commissioner or the commissioner's designee shall supervise
20 25 the handling of ballots ~~or voting machine documents~~ to ensure
20 26 that the ballots ~~and other documents~~ are protected from
20 27 alteration or damage. The board shall open only the sealed
20 28 ballot containers from the precincts specified to be recounted
20 29 in the request or by the recount board. The board shall
20 30 recount only the ballots which were voted and counted for the
20 31 office in question, including any disputed ballots returned as
20 32 required in section 50.5. If ~~an electronic automatic~~
20 33 ~~tabulating system equipment~~ was used to count the ballots, the
20 34 recount board may request the commissioner to retabulate the
20 35 ballots using the ~~electronic automatic tabulating system~~
21 1 equipment. The same program used for tabulating the votes on

21 2 election day shall be used at the recount unless the program
21 3 is believed or known to be flawed. ~~If a voting machine was~~
~~21 4 used, the paper record required in section 52.7, subsection 2,~~
~~21 5 shall be the official record used in the recount. However, if~~
~~21 6 the commissioner believes or knows that the paper records~~
~~21 7 produced from a machine have been compromised due to damage,~~
~~21 8 mischief, malfunction, or other cause, the printed ballot~~
~~21 9 images produced from the internal audit log for that machine~~
~~21 10 shall be the official record used in the recount.~~
21 11 c. The ballots ~~or voting machine documents~~ shall be
21 12 resealed by the recount board before adjournment and shall be
21 13 preserved as required by section 50.12. At the conclusion of
21 14 the recount, the recount board shall make and file with the
21 15 commissioner a written report of its findings, which shall be
21 16 signed by at least two members of the recount board. The
21 17 recount board shall complete the recount and file its report
21 18 not later than the eighteenth day following the county board's
21 19 canvass of the election in question.
21 20 Sec. 45. Section 51.15, Code 2009, is amended by striking
21 21 the section and inserting in lieu thereof the following:
21 22 51.15 APPLICABILITY OF LAW.
21 23 This chapter shall apply to all elections in which the
21 24 commissioner has determined that paper ballots shall be used
21 25 and counted by precinct election officials pursuant to section
21 26 49.26.
21 27 Sec. 46. Section 52.1, subsection 1, Code 2009, is amended
21 28 to read as follows:
21 29 1. At all elections conducted under chapter 49, and at any
21 30 other election unless ~~specifically prohibited by the statute~~
~~21 31 authorizing the election the commissioner directs otherwise~~
~~21 32 pursuant to section 49.26, votes may shall be cast,~~
21 33 registered, recorded, and counted by means of ~~either voting~~
~~21 34 machines or~~ optical scan voting systems, in accordance with
21 35 this chapter.
22 1 Sec. 47. Section 52.1, subsection 2, paragraph g, Code
22 2 2009, is amended by striking the paragraph.
22 3 Sec. 48. Section 52.3, Code 2009, is amended to read as
22 4 follows:
22 5 52.3 TERMS OF PURCHASE == TAX LEVY.
22 6 The county board of supervisors, on the adoption and
22 7 purchase of ~~a voting machine or~~ an optical scan voting system,
22 8 may issue bonds under section 331.441, subsection 2, paragraph
22 9 "b", subparagraph (1).
22 10 Sec. 49. Section 52.4, Code 2009, is amended to read as
22 11 follows:
22 12 52.4 EXAMINERS == TERM == REMOVAL.
22 13 1. The state commissioner of elections shall appoint three
22 14 members to a board of examiners for voting systems, not more
22 15 than two of whom shall be from the same political party. The
22 16 examiners shall hold office for staggered terms of six years,
22 17 subject to removal at the pleasure of the state commissioner
22 18 of elections.
22 19 2. At least one of the examiners shall have been trained
22 20 in computer programming and operations. The other two members
22 21 shall be directly involved in the administration of elections
22 22 and shall have experience in the use of ~~voting machines and~~
22 23 optical scan voting systems.
22 24 Sec. 50. Section 52.5, Code 2009, is amended to read as
22 25 follows:
22 26 52.5 TESTING AND EXAMINATION OF VOTING EQUIPMENT.
22 27 1. A person or corporation owning or being interested in ~~a~~
~~22 28 voting machine or an~~ optical scan voting system may request
22 29 that the state commissioner call upon the board of examiners
22 30 to examine and test the ~~machine or~~ system. Within seven days
22 31 of receiving a request for examination and test, the state
22 32 commissioner shall notify the board of examiners of the
22 33 request in writing and set a time and place for the
22 34 examination and test.
22 35 2. The state commissioner shall formulate, with the advice
23 1 and assistance of the examiners, and adopt rules governing the
23 2 testing and examination of any ~~voting machine or~~ optical scan
23 3 voting system by the board of examiners. The rules shall
23 4 prescribe the method to be used in determining whether the
23 5 ~~machine or~~ system is suitable for use within the state and
23 6 performance standards for voting equipment in use within the
23 7 state. The rules shall provide that all optical scan voting
23 8 systems ~~and voting machines~~ approved for use by the examiners
23 9 after April 9, 2003, shall meet voting systems performance and
23 10 test standards, as adopted by the federal election commission
23 11 on April 30, 2002, and as deemed adopted by Pub. L. No.
23 12 107=252, } 222. The rules shall include standards for

23 13 determining when recertification is necessary following
23 14 modifications to the equipment or to the programs used in
23 15 tabulating votes, and a procedure for rescinding certification
23 16 if a system ~~or machine~~ is found not to comply with performance
23 17 standards adopted by the state commissioner.
23 18 3. The state commissioner may employ a competent person or
23 19 persons to assist the examiners in their evaluation of the
23 20 equipment and to advise the examiners as to the sufficiency of
23 21 the equipment. Consultant fees shall be paid by the person
23 22 who requested the certification. Following the examination
23 23 and testing of the ~~voting machine or optical scan voting~~
23 24 system, the examiners shall report to the state commissioner
23 25 describing the testing and examination of the ~~machine or~~
23 26 system and upon the capacity of the ~~machine or~~ system to
23 27 register the will of voters, its accuracy and efficiency, and
23 28 with respect to its mechanical perfections and imperfections.
23 29 Their report shall be filed in the office of the state
23 30 commissioner and shall state whether in their opinion the kind
23 31 of ~~machine or~~ system so examined can be safely used by voters
23 32 at elections under the conditions prescribed in this chapter.
23 33 If the report states that the ~~machine or~~ system can be so
23 34 used, it shall be deemed approved by the examiners, and
23 35 ~~machines or~~ systems of its kind may be adopted for use at
24 1 elections as provided in this section. Any form of ~~voting~~
~~24 2 machine or~~ system not so approved cannot be used at any
24 3 election.
24 4 4. Before actual use by a county of a particular optical
24 5 scan voting system which has been approved for use in this
24 6 state, the state commissioner shall formulate, with the advice
24 7 and assistance of the examiners, and adopt rules governing the
24 8 development of vote counting programs and all procedures used
24 9 in actual counting of votes by means of that system.
24 10 Sec. 51. Section 52.6, Code 2009, is amended to read as
24 11 follows:
24 12 52.6 COMPENSATION.
24 13 1. Each examiner is entitled to one hundred fifty dollars
24 14 for compensation and expenses in making ~~such an~~ examination
24 15 and report ~~under section 52.5~~, to be paid by the person or
24 16 corporation applying for ~~such the~~ examination. ~~No examiner~~
~~24 17 shall have any interest whatever in any machine or system~~
~~24 18 reported upon.~~ ~~However,~~ each examiner shall
24 19 receive not to exceed fifteen hundred dollars and reasonable
24 20 expenses in any one year; and all sums collected for such
24 21 examinations over and above said maximum salaries and expenses
24 22 shall be turned in to the state treasury.
24 23 2. ~~An examiner shall not have any interest whatever in any~~
~~24 24 optical scan voting system reported upon.~~
24 25 Sec. 52. Section 52.8, Code 2009, is amended to read as
24 26 follows:
24 27 52.8 EXPERIMENTAL USE.
24 28 The board of supervisors of any county may provide for the
24 29 experimental use at an election in one or more districts, of ~~a~~
~~24 30 voting machine or an~~ optical scan voting system which it might
24 31 lawfully adopt, without a formal adoption ~~thereof of the~~
~~24 32 system~~; and its use at such election shall be as valid for all
24 33 purposes as if it had been lawfully adopted.
24 34 Sec. 53. Section 52.19, Code 2009, is amended to read as
24 35 follows:
25 1 52.19 INSTRUCTIONS.
25 2 In case any elector after entering the voting ~~machine~~ booth
25 3 shall ask for further instructions concerning the manner of
25 4 voting, two precinct election officials of opposite political
25 5 parties shall give such instructions to the elector; but no
25 6 precinct election official or other election officer or person
25 7 assisting an elector shall in any manner request, suggest, or
25 8 seek to persuade or induce any such elector to vote any
25 9 particular ticket, or for any particular candidate, or for or
25 10 against any particular amendment, question, or proposition.
25 11 After receiving such instructions, ~~such the~~ elector shall vote
25 12 as in the case of an unassisted voter.
25 13 Sec. 54. Section 52.23, Code 2009, is amended to read as
25 14 follows:
25 15 52.23 WRITTEN STATEMENTS OF ELECTION ~~-- OTHER PAPERS.~~
25 16 ~~1-~~ After the total vote for each candidate has been
25 17 ascertained, and before leaving the room or voting place, the
25 18 precinct election officials shall make and sign the tally list
25 19 required in section 50.16. One copy of the printed results
25 20 from each tabulating device shall be signed by all precinct
25 21 election officials present and shall be attached to the tally
25 22 list from the precinct. The printed results attached to the
25 23 tally list shall reflect all votes cast in the precinct.

25 24 including overvotes and undervotes, for each candidate and
25 25 public measure on the ballot.

25 26 2. The inspection sheets from each machine used in the
25 27 election and one copy of the printed results from each machine
25 28 shall be signed by all precinct election officials and, with
25 29 any paper or papers upon which write-in votes were recorded by
25 30 voters, shall be securely sealed in an envelope marked with
25 31 the name and date of the election, the precinct, and the
25 32 serial numbers of the machines from which the enclosed results
25 33 were removed. This envelope shall be preserved, unopened, for
25 34 twenty-two months following elections for federal offices and
25 35 for six months following elections for all other offices
26 1 unless a recount is requested pursuant to section 50.48 or an
26 2 election contest is pending. The envelope shall be destroyed
26 3 in the same manner as ballots pursuant to section 50.13.
26 4 Additional copies of the results, if any, shall be delivered
26 5 to the commissioner with the other supplies from the election
26 6 pursuant to section 50.17.

26 7 Sec. 55. Section 52.24, Code 2009, is amended to read as
26 8 follows:

26 9 52.24 WHAT STATUTES APPLY -- SEPARATE BALLOTS.

26 10 All of the provisions of the election law not inconsistent
26 11 with the provisions of this chapter shall apply with full
26 12 force to all counties adopting the use of voting machines.
26 13 Nothing in this chapter shall be construed as prohibiting the
26 14 use of a separate ballot for public measures.

26 15 Sec. 56. Section 52.25, Code 2009, is amended to read as
26 16 follows:

26 17 52.25 SUMMARY OF AMENDMENT OR PUBLIC MEASURE.

26 18 1. The question of a constitutional convention,
26 19 amendments, and public measures including bond issues may be
26 20 voted on voting machines and on ballots in the following
26 21 manner:

26 22 1- a. The entire convention question, amendment, or
26 23 public measure shall be printed and displayed prominently in
26 24 at least four places one place within the voting precinct, and
26 25 inside each voting booth, the printing to be in conformity
26 26 with the provisions of chapter 49.

26 27 2- b. The question, amendment, or measure, and summaries
26 28 thereof, shall be printed on the special paper ballots or on
26 29 the inserts used in the voting machines. In no case shall the
26 30 font size be less than ten point type.

26 31 3- 2. The public measure shall be summarized by the
26 32 commissioner, except that:

26 33 a. In the case of the question of a constitutional
26 34 convention, or of an amendment or measure to be voted on in
26 35 the entire state, the summary shall be worded by the state
27 1 commissioner of elections as required by section 49.44.

27 2 b. In the case of a public question to be voted on in a
27 3 political subdivision lying in more than one county, the
27 4 summary shall be worded by the commissioner responsible under
27 5 section 47.2 for conducting that election.

27 6 Sec. 57. Section 52.27, Code 2009, is amended to read as
27 7 follows:

27 8 52.27 COMMISSIONER TO PROVIDE OPTICAL SCAN VOTING
27 9 EQUIPMENT.

27 10 The commissioner having jurisdiction of any precinct for
27 11 which the board of supervisors has adopted voting by means of
27 12 an optical scan voting system shall, as soon as practicable
27 13 thereafter, provide for use at each election held in the
27 14 precinct optical scan ballots and ballot marking devices in
27 15 appropriate numbers. The commissioner shall have custody of
27 16 all equipment required for use of the optical scan voting
27 17 system, and shall be responsible for maintaining it in good
27 18 condition and for storing it between elections. All
27 19 provisions of chapter 49 relative to times and circumstances
27 20 under which voting machines are to be used in any election and
27 21 the number of voting machines to be provided shall also govern
27 22 the use of optical scan voting systems, when applicable.

27 23 Sec. 58. Section 52.28, Code 2009, is amended to read as
27 24 follows:

27 25 52.28 OPTICAL SCAN VOTING SYSTEM BALLOT FORMS.

27 26 The commissioner of each county in which the use of an
27 27 optical scan voting system in one or more precincts has been
27 28 authorized shall print optical scan ballots using black ink on
27 29 white paper and shall determine the arrangement of candidates'
27 30 names and public questions upon the ballot or ballots used
27 31 with the system. The ballot information shall be arranged as
27 32 required by chapters 43 and 49, and by any relevant provisions
27 33 of any statutes which specify the form of ballots for special
27 34 elections, so far as possible within the constraints of the

27 35 physical characteristics of the optical scan voting system in
28 1 use in that county. The state commissioner may adopt rules
28 2 requiring a reasonable degree of uniformity among counties in
28 3 arrangement of optical scan voting system ballots.

28 4 Sec. 59. Section 52.29, Code 2009, is amended to read as
28 5 follows:

28 6 52.29 OPTICAL SCAN VOTING SYSTEM SAMPLE BALLOTS.

28 7 The commissioner shall provide for each precinct where an
28 8 optical scan voting system is in use at least ~~four~~ one sample
28 9 optical scan ~~ballots~~ ballot which shall be ~~an~~ exact ~~copies~~
28 10 copy of the official ballots as printed for that precinct.
28 11 ~~The sample ballots shall be arranged in the form of a diagram~~
28 12 ~~showing the optical scan ballot as it will appear to the voter~~
28 13 ~~in that precinct on election day.~~ The sample ~~ballots~~ ballot
28 14 shall be posted ~~prominently~~ within the polling place, and
28 15 shall be open to public inspection during the hours the polls
28 16 are open on election day. If the ballot used on election day
28 17 has offices or questions appearing on the back of the ballot,
28 18 both sides of the sample ballot shall be displayed.

28 19 Sec. 60. Section 52.41, Code 2009, is amended to read as
28 20 follows:

28 21 52.41 ELECTRONIC TRANSMISSION OF ELECTION RESULTS.

28 22 With the advice of the board of examiners for voting
28 23 ~~machines and electronic voting~~ systems, the state commissioner
28 24 shall adopt by rule standards for the examination and testing
28 25 of devices for the electronic transmission of election
28 26 results. All voting systems which contain devices for the
28 27 electronic transmission of election results submitted to the
28 28 examiners for examination and testing after July 1, 2003,
28 29 shall comply with these standards.

28 30 Sec. 61. Section 53.2, subsections 5, 6, and 7, Code 2009,
28 31 are amended to read as follows:

28 32 5. An application for a primary election ballot which
28 33 specifies a party different from that recorded on the
28 34 registered voter's voter registration record, or if the
28 35 voter's voter registration record does not indicate a party
29 1 affiliation, shall be accepted as a change or declaration of
29 2 party affiliation. The commissioner shall approve the change
29 3 or declaration and enter a notation of the change on the
29 4 registration records at the time the absentee ballot request
29 5 is noted on the voter's registration record. A notice shall
29 6 be sent with the ballot requested informing the voter that the
29 7 voter's registration record will be changed to show that the
29 8 voter is now affiliated with the party whose ballot the voter
29 9 requested.

29 10 6. If an application for an absentee ballot is received
29 11 from an eligible elector who is not a registered voter the
29 12 commissioner shall send the eligible elector a voter
29 13 registration form under section 48A.8 and an absentee ballot
29 14 to the eligible elector instead of an absentee ballot. If the
29 15 application is received so late that it is unlikely that the
29 16 registration form can be returned in time to be effective on
29 17 election day, the commissioner shall enclose with the absentee
29 18 ballot a notice to that effect, informing the voter of the
29 19 registration time limits in section 48A.9. The commissioner
29 20 shall record on the elector's application that the elector is
29 21 not currently registered to vote. If the registration form is
29 22 properly returned by the time provided by section 48A.9, the
29 23 commissioner shall record on the elector's application the
29 24 date of receipt of the registration form and enter a notation
29 25 of the registration on the registration records. If the
29 26 application is received after the time registration closes
29 27 pursuant to section 48A.9 but by 5:00 p.m. on the Saturday
29 28 before the election for general and primary elections or by
29 29 5:00 p.m. on the Friday before the election for all other
29 30 elections, the commissioner shall notify the applicant of the
29 31 election day and in-person absentee registration provisions of
29 32 section 48A.7A.

29 33 7. A registered voter who has not moved from the county in
29 34 which the elector is registered to vote may submit a change of
29 35 name, telephone number, or address on the absentee ballot
30 1 application form prescribed in section 48A.8 when casting
30 2 requesting an absentee ballot. Upon receipt of a properly
30 3 completed form, the commissioner shall enter a notation of the
30 4 change on the registration records.

30 5 Sec. 62. Section 53.8, subsection 1, Code 2009, is amended
30 6 to read as follows:

30 7 1. Upon receipt of an application for an absentee ballot
30 8 and immediately after the absentee ballots are printed, the
30 9 commissioner shall mail an absentee ballot to the applicant
30 10 within twenty-four hours, except as otherwise provided in

30 11 subsection 3. The absentee ballot shall be enclosed in an
30 12 unsealed envelope bearing a serial number and affidavit. The
30 13 absentee ballot and unsealed envelope shall be enclosed in or
30 14 with a ~~carrier return~~ envelope marked postage paid which bears
30 15 the same serial number as the unsealed envelope. The absentee
30 16 ballot, unsealed envelope, and ~~carrier return~~ envelope shall
30 17 be enclosed in a third envelope to be sent to the registered
30 18 voter. If the ballot cannot be folded so that all of the
30 19 votes cast on the ballot will be hidden, the commissioner
30 20 shall also enclose a secrecy envelope with the absentee
30 21 ballot.

30 22 Sec. 63. Section 53.8, subsection 2, paragraph a, Code
30 23 2009, is amended to read as follows:

30 24 a. The commissioner shall enclose with the absentee ballot
30 25 a statement informing the applicant that the sealed ~~carrier~~
30 26 ~~return~~ envelope may be mailed to the commissioner by the
30 27 registered voter or the voter's designee or may be personally
30 28 delivered to the commissioner's office by the registered voter
30 29 or the voter's designee. The statement shall also inform the
30 30 voter that the voter may request that the voter's designee
30 31 complete a receipt when retrieving the ballot from the voter.
30 32 A blank receipt shall be enclosed with the absentee ballot.

30 33 Sec. 64. Section 53.17, subsections 1 and 2, Code 2009,
30 34 are amended to read as follows:

30 35 1. The sealed envelope containing the absentee ballot
31 1 shall be enclosed in a ~~carrier return~~ envelope which shall be
31 2 securely sealed. The sealed ~~carrier return~~ envelope shall be
31 3 returned to the commissioner by one of the following methods:

31 4 a. The sealed ~~carrier return~~ envelope may be delivered by
31 5 the registered voter, by the voter's designee, or by the
31 6 special precinct election officials designated pursuant to
31 7 section 53.22, subsection 1, to the commissioner's office no
31 8 later than the time the polls are closed on election day.
31 9 However, if delivered by the voter's designee, the envelope
31 10 shall be delivered within seventy-two hours of retrieving it
31 11 from the voter or before the closing of the polls on election
31 12 day, whichever is earlier.

31 13 b. The sealed ~~carrier return~~ envelope may be mailed to the
31 14 commissioner by the registered voter or by the voter's
31 15 designee. If mailed by the voter's designee, the envelope
31 16 must be mailed within seventy-two hours of retrieving it from
31 17 the voter or within time to be postmarked not later than the
31 18 day before the election, whichever is earlier.

31 19 2. In order for the ballot to be counted, the ~~carrier~~
31 20 ~~return~~ envelope must be received in the commissioner's office
31 21 before the polls close on election day or be clearly
31 22 postmarked by an officially authorized postal service not
31 23 later than the day before the election and received by the
31 24 commissioner not later than noon on the Monday following the
31 25 election.

31 26 Sec. 65. Section 53.18, subsections 1 and 2, Code 2009,
31 27 are amended to read as follows:

31 28 1. When the return ~~carrier~~ envelope containing the
31 29 completed absentee ballot is received by the commissioner, the
31 30 commissioner shall at once record receipt of such ballot.
31 31 Absentee ballots shall be stored in a secure place until they
31 32 are delivered to the absentee and special voters precinct
31 33 board.

31 34 2. If the commissioner receives the return ~~carrier~~
31 35 envelope containing the completed absentee ballot by ~~five 5:00~~
32 1 p.m. on the Saturday before the election for general and
32 2 primary elections and by ~~five 5:00~~ p.m. on the Friday before
32 3 the election for all other elections, the commissioner shall
32 4 open the envelope to review the affidavit for any
32 5 deficiencies. If the affidavit contains a deficiency that
32 6 would cause the ballot to be rejected, the commissioner shall,
32 7 within twenty-four hours of the time the envelope was
32 8 received, notify the voter of that fact and that the voter may
32 9 correct the deficiency by ~~five 5:00~~ p.m. on the day before the
32 10 election.

32 11 Sec. 66. Section 53.21, subsection 2, paragraph b, Code
32 12 2009, is amended to read as follows:

32 13 b. The voter shall enclose one copy of the above statement
32 14 in the return ~~carrier~~ envelope with the affidavit envelope and
32 15 retain a copy for the voter's records.

32 16 Sec. 67. Section 53.22, subsection 5, paragraph b, Code
32 17 2009, is amended to read as follows:

32 18 b. Absentee ballots voted under this subsection shall be
32 19 delivered to the commissioner no later than the time the polls
32 20 are closed on election day. If the ballot is returned by mail
32 21 the ~~carrier return~~ envelope must be received by the time the

polls close, or clearly postmarked by an officially authorized postal service not later than the day before the election and received by the commissioner no later than the time established for the canvass by the board of supervisors for that election.

Sec. 68. Section 53.25, Code 2009, is amended to read as follows:

53.25 REJECTING BALLOT.

1. If the absentee voter's affidavit ~~is found to be insufficient~~ lacks the voter's signature, if the applicant is not a duly registered voter on election day in such the precinct where the absentee ballot was cast, if the affidavit envelope contains more than one ballot of any one kind, or if the voter has voted in person, such vote shall ~~not be accepted~~ or counted rejected by the absentee and special voters precinct board.

If the affidavit envelope is open, or has been opened and resealed, or if the ballot is not enclosed in the affidavit envelope, and an affidavit envelope with the same serial number and marked "Replacement ballot" is not attached as provided in section 53.18, the vote shall ~~not be accepted or counted rejected by the absentee and special voters precinct board~~.

2. If the absentee ballot is rejected prior to the opening of the affidavit envelope, the voter casting the ballot shall be notified by a precinct election official by the time the canvass is completed of the reason for the rejection on a form prescribed by the state commissioner of elections.

Sec. 69. Section 53.30, Code 2009, is amended to read as follows:

53.30 BALLOTS, BALLOT ENVELOPES, AND OTHER INFORMATION PRESERVED.

At the conclusion of each meeting of the absentee and special voter's precinct board, the board shall securely seal all ballots counted by them in the manner prescribed in section 50.12. The ballot envelopes, including the envelope having the registered voter's affidavit on it, the return ~~carrier~~ envelope, and secrecy envelope bearing the signatures of precinct election officials, as required by section 53.23, shall be preserved. All applications for absentee ballots, ballots rejected without being opened, absentee ballot logs, and any other documents pertaining to the absentee ballot process shall be preserved until such time as the documents may be destroyed pursuant to section 50.19.

Sec. 70. Section 53.40, subsection 1, paragraph c, Code 2009, is amended to read as follows:

c. A request shall show the residence (including street address, if any) of the voter, ~~and the age of the voter, and length of residence in the city or township, county and state,~~ and shall designate the address to which the ballot is to be sent, ~~and in.~~ In the case of the primary election, the request shall also show the party affiliation of such the voter. ~~Such The~~ request shall be made to the commissioner of the county of the voter's residence, ~~provided that. However,~~ if the request is made by the voter to any elective state, city, or county official, the ~~said~~ official shall forward it to the commissioner of the county of the voter's residence, and such request so forwarded shall have the same force and effect as if made ~~direct directly~~ to the commissioner by the voter.

Sec. 71. Section 53.53, subsection 4, paragraph b, Code 2009, is amended to read as follows:

b. The voter's application for a regular absentee ballot was received by the commissioner less than fourteen days prior to the election. However, if the voter's application for a regular absentee ballot is not received by the commissioner and if the federal write-in absentee ballot is not prohibited by another provision of this subsection, a federal write-in absentee ballot cast by the voter and received by the commissioner is valid.

Sec. 72. Section 69.8, subsection 2, Code 2009, is amended to read as follows:

2. STATE OFFICES. In all state offices, judges of courts of record, officers, trustees, inspectors, and members of all boards or commissions, and all persons filling any position of trust or profit in the state, by the governor, except when some other method is specially provided. An appointment by the governor to fill a vacancy in the office of lieutenant governor shall be for the balance of the unexpired term. An appointment made under this subsection to a state office subject to section 69.13 shall be for the period until the vacancy is filled by election pursuant to law.

34 33 Sec. 73. Section 256.11, subsection 5, paragraph b, Code
34 34 2009, is amended to read as follows:
34 35 b. Five units of the social studies including instruction
35 1 in voting statutes and procedures, voter registration
35 2 requirements, the use of paper ballots and voting ~~machines~~
35 3 ~~systems~~ in the election process, and the method of acquiring
35 4 and casting an absentee ballot. All students shall complete a
35 5 minimum of one-half unit of United States government and one
35 6 unit of United States history. The one-half unit of United
35 7 States government shall include the voting procedure as
35 8 described in this lettered paragraph and section 280.9A. The
35 9 government instruction shall also include a study of the
35 10 Constitution of the United States and the Bill of Rights
35 11 contained in the Constitution and an assessment of a student's
35 12 knowledge of the Constitution and the Bill of Rights.

35 13 Sec. 74. Section 260C.15, subsection 1, Code 2009, is
35 14 amended to read as follows:
35 15 1. Regular elections held by the merged area for the
35 16 election of members of the board of directors as required by
35 17 section 260C.11, ~~for the renewal of the twenty and one-fourth~~
~~35 18 cents per thousand dollars of assessed valuation levy~~
~~35 19 authorized in section 260C.22, or for any other matter~~
35 20 authorized by law and designated for election by the board of
35 21 directors of the merged area, shall be held on the date of the
35 22 school election as fixed by section 277.1. However, elections
~~35 23 held for the renewal of the twenty and one-fourth cents per~~
~~35 24 thousand dollars of assessed valuation levy authorized in~~
~~35 25 section 260C.22 shall be held either on the date of the school~~
~~35 26 election as fixed by section 277.1 or at a special election~~
~~35 27 held on the second Tuesday in September of the even-numbered~~
~~35 28 year.~~ The election notice shall be made a part of the local
35 29 school election notice published as provided in section 49.53
35 30 in each local school district where voting is to occur in the
35 31 merged area election and the election shall be conducted by
35 32 the county commissioner of elections pursuant to chapters 39
35 33 through 53 and section 277.20.

35 34 Sec. 75. Section 260C.22, subsection 1, paragraph a, Code
35 35 2009, is amended to read as follows:

36 1 1. a. In addition to the tax authorized under section
36 2 260C.17, the voters in a merged area may at the regular school
36 3 election or at a special election held on the second Tuesday
~~36 4 in September of the even-numbered year~~ vote a tax not
36 5 exceeding twenty and one-fourth cents per thousand dollars of
36 6 assessed value in any one year for a period not to exceed ten
36 7 years for the purchase of grounds, construction of buildings,
36 8 payment of debts contracted for the construction of buildings,
36 9 purchase of buildings and equipment for buildings, and the
36 10 acquisition of libraries, for the purpose of paying costs of
36 11 utilities, and for the purpose of maintaining, remodeling,
36 12 improving, or expanding the community college of the merged
36 13 area. If the tax levy is approved under this section, the
36 14 costs of utilities shall be paid from the proceeds of the
36 15 levy. The tax shall be collected by the county treasurers and
36 16 remitted to the treasurer of the merged area as provided in
36 17 section 331.552, subsection 29. The proceeds of the tax shall
36 18 be deposited in a separate and distinct fund to be known as
36 19 the voted tax fund, to be paid out upon warrants drawn by the
36 20 president and secretary of the board of directors of the
36 21 merged area district for the payment of costs incurred in
36 22 providing the school facilities for which the tax was voted.

36 23 Sec. 76. Section 275.18, subsection 3, Code 2009, is
36 24 amended to read as follows:

36 25 3. The area education agency administrator shall furnish
36 26 to the commissioner a map of the proposed reorganized area
36 27 which must be approved by the commissioner as suitable for
36 28 posting. The map shall be displayed ~~prominently~~ in at least
36 29 ~~four places~~ one place within the voting precinct, and inside
36 30 ~~each voting booth, or on the left-hand side inside the curtain~~
~~36 31 of each voting machine.~~

36 32 Sec. 77. Section 280.9A, subsections 1 and 2, Code 2009,
36 33 are amended to read as follows:

36 34 1. The board of directors of each local public school
36 35 district and the authorities in charge of each nonpublic
37 1 school shall require that all students in grades nine through
37 2 twelve complete, as a condition of graduation, instruction in
37 3 American history and the governments of Iowa and the United
37 4 States, including instruction in voting statutes and
37 5 procedures, voter registration requirements, the use of paper
37 6 ballots and voting ~~machines~~ systems in the election process,
37 7 and the method of acquiring and casting an absentee ballot.

37 8 2. The county auditor, upon request and at a site chosen

37 9 by the county auditor, shall make available to schools within
37 10 the county voting ~~machines~~ equipment or sample ballots that
37 11 are generally used within the county, at times when ~~these~~
~~37 12 machines this equipment~~ or sample ballots are not in use for
37 13 their recognized purpose.

37 14 Sec. 78. Section 294.8, Code 2009, is amended to read as
37 15 follows:
37 16 294.8 PENSION SYSTEM.
37 17 ~~Any A~~ school district located in whole or in part within a
37 18 city having a population of twenty-five thousand one hundred
37 19 or more may establish a pension and annuity retirement system
37 20 for the public school teachers of such district ~~provided said~~
~~37 21 system.~~ However, in cities having a population less than
37 22 seventy-five thousand, establishment of the system shall be
37 23 ratified by a vote of the people at a general regular school
37 24 election.

37 25 Sec. 79. Section 298.9, Code 2009, is amended to read as
37 26 follows:
37 27 298.9 SPECIAL LEVIES.
37 28 If the voter-approved physical plant and equipment levy,
37 29 consisting solely of a physical plant and equipment property
37 30 tax levy, is approved by the voters at ~~the regular school an~~
37 31 election held on a date specified in section 39.2, subsection
~~37 32 4, paragraph "c",~~ and certified to the board of supervisors
37 33 after the regular levy is made, the board shall at its next
37 34 regular meeting levy the tax and cause it to be entered upon
37 35 the tax list to be collected as other school taxes. If the
38 1 certification is filed prior to May 1, the annual levy shall
38 2 begin with the tax levy of the year of filing. If the
38 3 certification is filed after May 1 in a year, the levy shall
38 4 begin with the levy of the fiscal year succeeding the year of
38 5 the filing of the certification.

38 6 Sec. 80. Section 301.24, Code 2009, is amended to read as
38 7 follows:
38 8 301.24 PETITION == ELECTION.
38 9 Whenever a petition signed by one hundred eligible electors
38 10 residing in the school district or a number of eligible
38 11 electors residing in the school district equal to at least ten
38 12 percent of the number of voters in the last preceding regular
38 13 school election, whichever is greater, is filed with the
38 14 secretary ~~thirty~~ sixty days or more before the regular school
38 15 election, asking that the question of providing free textbooks
38 16 for the use of pupils in the school district's attendance
38 17 centers be submitted to the voters at the next regular school
38 18 election, the secretary shall cause notice of ~~such the~~
38 19 proposition to be given in the notice of such the election.

38 20 Sec. 81. Section 331.201, subsection 3, Code 2009, is
38 21 amended to read as follows:
38 22 3. The office of supervisor is an elective office except
38 23 that if a vacancy occurs on the board, a successor ~~shall may~~
38 24 be appointed to the unexpired term as provided in chapter 69
~~38 25 section 69.14A.~~

38 26 Sec. 82. Section 331.383, Code 2009, is amended to read as
38 27 follows:
38 28 331.383 DUTIES AND POWERS RELATING TO ELECTIONS.
38 29 The board shall ensure that the county commissioner of
38 30 elections conducts primary, general, city, school, and special
38 31 elections in accordance with applicable state law. The board
38 32 shall canvass elections in accordance with sections 43.49 to
38 33 43.51, 43.60 to 43.62, 46.24, 50.13, 50.24 to 50.29, 50.44 to
38 34 50.47, 260C.39, 275.25, 277.20, 376.1, 376.7, and 376.9. The
38 35 board shall prepare and deliver a list of persons nominated in
39 1 accordance with section 43.55, provide for a recount in
39 2 accordance with section 50.48, provide for election precincts
39 3 in accordance with sections 49.3, 49.4, 49.6 to 49.8, and
39 4 49.11, pay election costs as provided in section 47.3,
39 5 participate in election contests as provided in sections 62.1A
39 6 and 62.9, and perform other election duties required by state
39 7 law. The board may authorize additional precinct election
39 8 officials as provided in section 51.1, provide for the use of
39 9 ~~a voting machine or an~~ optical scan voting system as provided
39 10 in sections 52.2, 52.3, and 52.8, and exercise other election
39 11 powers as provided by state law.

39 12 Sec. 83. Section 331.425, subsection 2, Code 2009, is
39 13 amended to read as follows:
39 14 2. The election shall be held on the ~~second~~ first Tuesday
39 15 in March and be conducted by the county commissioner of
39 16 elections in accordance with the law.

39 17 Sec. 84. Section 331.427, subsection 3, paragraph c, Code
39 18 2009, is amended to read as follows:
39 19 c. Purchase of voting ~~machines~~ systems and equipment under

39 20 chapter 52.

39 21 Sec. 85. Section 331.441, subsection 2, paragraph b,
39 22 subparagraph (1), Code 2009, is amended to read as follows:

39 23 (1) ~~Voting machines or an~~ An optical scan voting system.

39 24 Sec. 86. Section 331.502, subsection 17, Code 2009, is
39 25 amended to read as follows:

39 26 17. Make available to schools, voting ~~machines~~ equipment
39 27 or sample ballots for instructional purposes as provided in
39 28 section 280.9A.

39 29 Sec. 87. Section 364.2, subsection 4, paragraph b, Code
39 30 2009, is amended to read as follows:

39 31 b. Such an ordinance shall not become effective unless
39 32 approved at an election. The proposal may be submitted by the
39 33 council on its own motion to the voters at any city election.
39 34 Upon receipt of a valid petition as defined in section 362.4
39 35 requesting that a proposal be submitted to the voters, the
40 1 council shall submit the proposal at the next regular city
40 2 election or at a special election called for that purpose
40 3 before the next regular city election. However, the city
40 4 council may dispense with such election as to the grant,
40 5 amendment, extension, or renewal of an electric light and
40 6 power, heating, or gasworks franchise unless there is a valid
40 7 petition requesting submission of the proposal to the voters,
40 8 or the party seeking such franchise, grant, amendment,
40 9 extension, or renewal requests an election. If a majority of
40 10 those voting approves the proposal, the city may proceed as
40 11 proposed. The complete text of the ordinance shall be
40 12 included on the ballot if conventional paper ballots are used.
40 13 If an optical scan voting system ~~or voting machine~~ is used,
40 14 the proposal shall be stated on the optical scan ballot ~~and on~~
~~40 15 the machine~~, and the full text of the ordinance posted for the
40 16 voters pursuant to section 52.25. All absentee voters shall
40 17 receive the full text of the ordinance.

40 18 Sec. 88. Section 368.19, subsection 2, Code 2009, is
40 19 amended to read as follows:

40 20 2. The city shall provide to the commissioner of elections
40 21 a map of the area to be incorporated, discontinued, annexed,
40 22 severed, or consolidated, which must be approved by the
40 23 commissioner as suitable for posting. The map shall be
40 24 displayed ~~prominently~~ in at least ~~four places~~ one place within
40 25 the voting precinct, and inside each voting booth, ~~or on the~~
~~40 26 left-hand side inside the curtain of each voting machine.~~

40 27 Sec. 89. Section 372.13, subsection 2, paragraph b, Code
40 28 2009, is amended to read as follows:

40 29 b. (1) By a special election held to fill the office for
40 30 the remaining balance of the unexpired term. If the council
40 31 opts for a special election or a valid petition is filed under
40 32 paragraph "a", the special election may be held concurrently
40 33 with any pending election as provided by section 69.12 if by
40 34 so doing the vacancy will be filled not more than ninety days
40 35 after it occurs. Otherwise, a special election to fill the
41 1 office shall be called by the council at the earliest
41 2 practicable date. The council shall give the county
41 3 commissioner at least thirty-two days' written notice of the
41 4 date chosen for the special election. The council of a city
41 5 where a primary election may be required shall give the county
41 6 commissioner at least sixty days' written notice of the date
41 7 chosen for the special election. A special election held
41 8 under this subsection is subject to sections 376.4 through
41 9 376.11, but the dates for actions in relation to the special
41 10 election shall be calculated with regard to the date for which
41 11 the special election is called. However, a nomination
41 12 petition must be filed not less than twenty-five days before
41 13 the date of the special election and, where a primary election
41 14 may be required, a nomination petition must be filed not less
41 15 than ~~fifty-two~~ fifty-three days before the date of the special
41 16 election.

41 17 (2) If there are concurrent vacancies on the council and
41 18 the remaining council members do not constitute a quorum of
41 19 the full membership, a special election shall be called by the
41 20 county commissioner at the earliest practicable date. The
41 21 remaining council members shall give notice to the county
41 22 commissioner of the absence of a quorum. If there are no
41 23 remaining council members, the city clerk shall give notice to
41 24 the county commissioner of the absence of a council. If the
41 25 office of city clerk is vacant, the city attorney shall give
41 26 notice to the county commissioner of the absence of a clerk
41 27 and a council. Notice of the need for a special election
41 28 shall be given under this paragraph by the end of the
41 29 following business day.

41 30 Sec. 90. Section 373.6, subsection 1, Code 2009, is

41 31 amended to read as follows:

41 32 1. If a proposed charter for consolidation is received not
41 33 later than ~~sixty seventy-eight~~ days before the next general
41 34 election, the council of the participating city with the
41 35 largest population shall, not later than sixty-nine days
42 1 before the general election, direct the county commissioner of
42 2 elections to submit to the registered voters of the
42 3 participating cities at the next general election the question
42 4 of whether the proposed charter shall be adopted. A summary
42 5 of the proposed charter shall be published in a newspaper of
42 6 general circulation in each city participating in the charter
42 7 commission process at least ten but not more than twenty days
42 8 before the date of the election. The proposed charter shall
42 9 be effective in regard to a city only if a majority of the
42 10 electors of the city voting approves the proposed charter.

42 11 Sec. 91. Section 376.4, Code 2009, is amended to read as
42 12 follows:

42 13 376.4 CANDIDACY.

42 14 1. a. An eligible elector of a city may become a
42 15 candidate for an elective city office by filing with the city
42 16 clerk a valid petition requesting that the elector's name be
42 17 placed on the ballot for that office. The petition must be
42 18 filed not more than seventy-one days and not less than
42 19 forty-seven days before the date of the election, and must be
42 20 signed by eligible electors equal in number to at least two
42 21 percent of those who voted to fill the same office at the last
42 22 regular city election, but not less than ten persons.
42 23 However, for those cities which may be required to hold a
42 24 primary election, the petition must be filed not more than
42 25 eighty-five days and not less than sixty-eight days before the
42 26 date of the regular city election. ~~A person may sign~~
42 27 ~~nomination petitions for more than one candidate for the same~~
42 28 ~~office, and the signature is not invalid solely because the~~
42 29 ~~person signed nomination petitions for one or more other~~
42 30 ~~candidates for the office.~~ Nomination petitions shall be
42 31 filed not later than ~~five o'clock~~ 5:00 p.m. on the last day
42 32 for filing.

42 33 b. The petitioners for an individual seeking election from
42 34 a ward must be residents of the ward at the time of signing
42 35 the petition. An individual is not eligible for election from
43 1 a ward unless the individual is a resident of the ward at the
43 2 time the individual files the petition and at the time of
43 3 election.

43 4 2. a. The petition must include space for the signature
43 5 signatures of the petitioners, a statement of their place of
43 6 residence, and the date on which they signed the petition. ~~A~~
43 7 ~~person may sign nomination petitions for more than one~~
43 8 ~~candidate for the same office, and the signature is not~~
43 9 ~~invalid solely because the person signed nomination petitions~~
43 10 ~~for one or more other candidates for the office.~~

43 11 b. The petition must include the affidavit of the
43 12 individual for whom it is filed, stating the individual's
43 13 name, the individual's residence, that the individual is a
43 14 candidate and eligible for the office, and that if elected the
43 15 individual will qualify for the office. The affidavit shall
43 16 also state that the candidate is aware that the candidate is
43 17 disqualified from holding office if the candidate has been
43 18 convicted of a felony or other infamous crime and the
43 19 candidate's rights have not been restored by the governor or
43 20 by the president of the United States.

43 21 3. If the city clerk is not readily available during
43 22 normal office hours, the city clerk shall designate other
43 23 employees or officials of the city who are ordinarily
43 24 available to accept nomination papers under this section. On
43 25 the final date for filing nomination papers the office of the
43 26 city clerk shall remain open until ~~five~~ 5:00 p.m.

43 27 4. The city clerk shall review each petition and affidavit
43 28 of candidacy for completeness following the standards in
43 29 section 45.5 and shall accept the petition for filing if on
43 30 its face it appears to have the requisite number of signatures
43 31 and if it is timely filed. The city clerk shall note upon
43 32 each petition and affidavit accepted for filing the date and
43 33 time that they were filed. The clerk shall return any
43 34 rejected nomination papers to the person on whose behalf the
43 35 nomination papers were filed.

44 1 5. Nomination papers filed with the city clerk shall be
44 2 available for public inspection. The city clerk shall deliver
44 3 all nomination ~~petitions papers~~ together with the text of any
44 4 public measure being submitted by the city council to the
44 5 electorate to the county commissioner of elections not later
44 6 than ~~five o'clock~~ 5:00 p.m. on the day following the last day

44 7 on which nomination petitions can be filed.
44 8 6. Any person on whose behalf nomination petitions have
44 9 been filed under this section may withdraw as a candidate by
44 10 filing a signed statement to that effect as prescribed in
44 11 section 44.9. Objections to the legal sufficiency of
44 12 petitions shall be filed in accordance with the provisions of
44 13 sections 44.4, 44.5, and 44.8.

44 14 Sec. 92. Section 384.12, subsection 20, paragraphs a and
44 15 b, Code 2009, are amended to read as follows:

44 16 a. The election may be held as specified in this
44 17 subsection if notice is given by the city council, not later
44 18 than thirty-two days before the ~~second~~ first Tuesday in March,
44 19 to the county commissioner of elections that the election is
44 20 to be held.

44 21 b. An election under this subsection shall be held on the
44 22 ~~second~~ first Tuesday in March and be conducted by the county
44 23 commissioner of elections in accordance with the law.

44 24 Sec. 93. Section 468.511, subsections 2 and 3, Code 2009,
44 25 are amended to read as follows:

44 26 2. For the purpose of this subchapter, applications for
44 27 ballots shall be made on blanks substantially in the following
44 28 form:

44 29 Application for ballot to be voted at the

44 30 (Name of District) District Election on (Date)

44 31 State of)

44 32 County) ss.

44 33 I, (Applicant), do solemnly swear that I am a
44 34 landowner in the (Name of District) District and that I
44 35 am a duly qualified voter entitled to vote in said election,
45 1 and that on account of (business, illness, residence
45 2 outside of the county, etc.) I cannot be at the polls on
45 3 election day, and I hereby make application for an official

45 4 ballot or ballots to be voted by me at such election, and that
45 5 I will return said ballot or ballots to the officer issuing
45 6 same before the day of said election.

45 7 Signed

45 8 Date

45 9 Residence (street number if any)

45 10 City State

45 11 Subscribed and sworn to before me this ... day of
45 12 (month), ... (year)

45 13 3. For the purpose of this subchapter, the affidavit on
45 14 the reverse side of the envelopes used for enclosing the
45 15 marked ballots shall be substantially as follows:

45 16 State of)

45 17 County) ss.

45 18 I, (Applicant), do solemnly swear that I am a
45 19 landowner in the (Name of District) District and that I
45 20 am a duly qualified voter to vote in the election of trustees
45 21 of said district and that I shall be prevented from attending
45 22 the polls on the day of election because of

45 23 (business, illness, residence outside of the county, etc.) and
45 24 that I have marked the enclosed ballot in secret.

45 25 Signed

45 26 Subscribed and sworn to before me this ... day of
45 27 (month), ... (year), and that I hereby certify that the

45 28 affiant exhibited the enclosed ballot to me unmarked; that the
45 29 affiant then in my presence and in the presence of no other
45 30 person and in such manner that I could not see the affiant's
45 31 vote, marked such ballot, enclosed and sealed the same in this
45 32 envelope; and that the affiant was not solicited or advertised
45 33 by me for or against any candidate or measure.

45 34

45 35

46 1 (Official Title)

46 2 Sec. 94. Sections 43.26, 48A.40, 49.35, 49.42A, 50.2,
46 3 52.7, 52.9, 52.10, 52.17, 52.18, 52.20, and 53.24, Code 2009,
46 4 are repealed.

46 5 Sec. 95. EFFECTIVE AND APPLICABILITY DATES.

46 6 1. The section of this Act amending section 48A.27, being
46 7 deemed of immediate importance, takes effect upon enactment
46 8 and applies to notices mailed on or after the effective date.

46 9 2. The section of this Act amending section 298.9, being
46 10 deemed of immediate importance, takes effect upon enactment.

46 11 EXPLANATION

46 12 This bill makes technical and corrective changes to the law
46 13 relating to elections and voter registration.

46 14 Code sections 2.27, 43.77, and 69.8 are amended to reflect
46 15 the 1988 amendment to the Constitution of the State of Iowa
46 16 requiring that the governor and lieutenant governor be elected
46 17 jointly and to specify that a vacancy in the office of

46 18 lieutenant governor is to be filled by appointment by the
46 19 governor and the appointment is for the balance of the
46 20 unexpired term.

46 21 Code section 8A.412 is amended to add professional
46 22 employees under the supervision of the secretary of state to
46 23 the list of employees exempt from the merit system.

46 24 Code section 43.4 is amended to require that the county
46 25 commissioner of elections (county auditor) retain caucus
46 26 records for 22 months. The Code section is further amended to
46 27 require the chairperson of the county central committee,
46 28 within 14 days after the date of the precinct caucus, to
46 29 deliver to the county commissioner all completed voter
46 30 registration forms received at the caucus. Current law
46 31 provides that it is election misconduct in the third degree, a
46 32 serious misdemeanor, if a party committee member neglects to
46 33 perform a statutory duty relating to a precinct caucus. A
46 34 serious misdemeanor is punishable by confinement for no more
46 35 than one year and a fine of at least \$315 but not more than
47 1 \$1,875.

47 2 Code section 43.5 is amended to add Code chapter 39A,
47 3 relating to election misconduct, to the list of Code chapters
47 4 applicable to primary elections.

47 5 Code sections 43.26 and 49.42A, which illustrate the format
47 6 of the official primary and general election ballots, are
47 7 repealed. New Code sections 43.31 and 49.57A are enacted to
47 8 require the state commissioner of elections to adopt
47 9 administrative rules implementing ballot format and printing
47 10 requirements.

47 11 Code section 44.5 is amended to provide that a hearing on
47 12 an objection to a nomination shall be held not later than one
47 13 week after the objection is filed.

47 14 Code section 45.1 is amended to specify signers of
47 15 nomination petitions for elective offices are required to be
47 16 eligible electors who reside in the applicable county or
47 17 district.

47 18 Code section 47.6 is amended to require that the text of a
47 19 public measure to be submitted at election to the voters of a
47 20 school district or merged area must be submitted to the county
47 21 commissioner of elections no later than 5:00 p.m. on the 46th
47 22 day before the election.

47 23 Code section 48A.2 is amended to specify that the voter
47 24 registration form may be used to make changes in an existing
47 25 registration record in addition to being an application to
47 26 register to vote.

47 27 Code section 48A.6 is amended to clarify that a person is
47 28 not an eligible elector for voting purposes if the person has
47 29 been adjudged mentally incompetent to vote.

47 30 Code section 48A.8, relating to registering to vote by
47 31 mail, removes the reference to "mail registration form". The
47 32 same voter registration form is used whether or not a person
47 33 is registering by mail or in person.

47 34 Code section 48A.25A is amended to comply with the federal
47 35 Help America Vote Act requirement that identification numbers
48 1 on all voter registration applications, not just those
48 2 received by mail, be verified. The section is further amended
48 3 to provide that if the identification information cannot be
48 4 verified, the registration will be recorded as pending, and
48 5 the voter will be notified that the voter must present
48 6 identification before voting for the first time in the county.
48 7 These requirements do not apply to election day registrants or
48 8 in-person absentee registrants.

48 9 Code section 48A.26 is amended to provide that the
48 10 commissioner of registration (county auditor) shall send an
48 11 acknowledgment of receipt of voter registration or a change of
48 12 information in a voter registration record within 45 days of
48 13 receipt of the form or change of information if the form or
48 14 change of information was submitted at a precinct caucus.

48 15 Code section 48A.26 is also amended to provide that if an
48 16 incomplete registration form is received by the commissioner
48 17 after registration closes but by 5:00 p.m. on the Saturday
48 18 before the election for primary and general elections or by
48 19 5:00 p.m. on the Friday before the election for all other
48 20 elections, the commissioner shall notify the applicant of
48 21 election day and in-person absentee registration procedures.

48 22 Code section 48A.27 is amended to require the commissioner
48 23 to send an acknowledgment of change of address information
48 24 received from the United States postal service to the new
48 25 address only. Current law requires that the acknowledgment be
48 26 sent to the former and new addresses. This section of the
48 27 bill takes effect upon enactment and applies to notices mailed
48 28 on or after the effective date.

48 29 Code section 48A.31, relating to purging the names of
48 30 deceased persons from voter registration lists, is amended to
48 31 delete language referring to the process that was in place
48 32 prior to implementation of the statewide voter registration
48 33 system maintained by the secretary of state.
48 34 Code section 48A.37, relating to electronic voter
48 35 registration records, is amended to define "incomplete
49 1 records" as those registration records missing information
49 2 required to be included on the voter registration form. The
49 3 section is further amended to provide that an incomplete
49 4 record shall be made an active record when a completed form is
49 5 provided and the information verified.
49 6 Code section 48A.38 is amended to require the state
49 7 registrar of voters to update voter participation information
49 8 no later than 60 days after each election.
49 9 Code section 48A.40, relating to voter registration reports
49 10 required to be filed with the state registrar by the county
49 11 commissioner of registration, is repealed because the reports
49 12 are no longer necessary due to implementation of the statewide
49 13 voter registration system maintained by the secretary of
49 14 state.
49 15 Code section 49.25 is amended to eliminate the requirement
49 16 that voting booths be approved by the board of examiners for
49 17 voting systems. Code sections 49.25 and 49.26 are amended to
49 18 remove duplicate language referring to those elections at
49 19 which the commissioner may determine whether ballots will be
49 20 counted by hand by election precinct officials or by automatic
49 21 tabulating equipment.
49 22 Code section 49.43 is amended to remove the requirement
49 23 that ballots containing public measures shall be printed on
49 24 other than white paper in those precincts using hand-counted
49 25 paper ballots.
49 26 Code section 49.53 is amended to provide that the minimum
49 27 font size for published ballots shall be nine point type,
49 28 rather than the current 90 percent of font size.
49 29 Code sections 49.57, 49.84, and 50.48 are amended to make
49 30 reference to the statutorily defined term "automatic
49 31 tabulating equipment" rather than electronic tabulating
49 32 equipment or vote tallying system.
49 33 Code section 49.57 is also amended to remove the
49 34 requirement that the words "Official ballot" be printed on the
49 35 ballot in such a way as would allow them to be shown to an
50 1 election official without revealing any of the marks made by
50 2 the voter.
50 3 Code section 49.77 is amended to provide that the state
50 4 commissioner of elections (secretary of state) shall prescribe
50 5 the types of identification that can be presented by a voter
50 6 when the voter is unknown to the precinct election official.
50 7 Code section 50.15A is amended to require the state
50 8 commissioner to report in the unofficial canvass the total
50 9 number of ballots cast at the general election.
50 10 Code section 50.24 is amended to require the county board
50 11 of canvassers (board of supervisors), when canvassing the vote
50 12 after an election, to also certify the election canvass
50 13 summary report prepared by the county commissioner of
50 14 elections. Code section 50.30 is amended and new Code section
50 15 50.30A is enacted to require the commissioner to forward the
50 16 abstracts of votes and summary report to the state
50 17 commissioner of elections within 13 days after each primary
50 18 and general election.
50 19 Code sections 50.24 and 50.39 are amended to strike the
50 20 requirement that the abstract of votes state its required
50 21 information in words "written at length".
50 22 Code section 51.15, relating to double counting boards, is
50 23 amended to specify that the chapter applies to elections in
50 24 which paper ballots are to be counted by hand by the precinct
50 25 election officials.
50 26 Code section 52.23 is amended to require that a copy of the
50 27 printed results from each automatic tabulating device be
50 28 signed by precinct election officials and attached to the
50 29 precinct tally list and that the printed results shall reflect
50 30 all the votes cast in the precinct.
50 31 Code section 52.25 is amended to provide that the entire
50 32 text of a public measure, including measures related to the
50 33 Iowa constitution, shall be displayed in at least one place,
50 34 rather than the current four places, within the voting
50 35 precinct. Code section 52.25 is also amended to refer to
51 1 ballots generally rather than to special paper ballots.
51 2 Code sections 52.25 and 275.18 are amended, and Code
51 3 sections 49.35, 52.10, and 52.18 are repealed, to eliminate
51 4 references to lever voting machines, which are no longer used

51 5 in Iowa.

51 6 Code section 52.28 is amended to clarify that optical scan
51 7 ballots shall be printed using black ink on white paper.

51 8 Code section 52.29 is amended to conform to current law
51 9 regarding the requirement that one sample ballot be posted in
51 10 each precinct. The section is also amended to provide that if
51 11 an office or public measure is printed on the back of the
51 12 ballot, both sides shall be displayed.

51 13 Code section 53.2 is amended to provide that the party
51 14 affiliation of a voter requesting an absentee ballot will be
51 15 changed at the time the request is recorded on the
51 16 registration record if the ballot requested is for a party
51 17 other than the voter's current party affiliation or
51 18 declaration. The Code section is further amended to provide
51 19 that if an absentee ballot request is received from a person
51 20 who is not registered to vote, the commissioner shall send a
51 21 voter registration form to the person, rather than sending
51 22 both a registration form and an absentee ballot. The Code
51 23 section is further amended to provide that if the absentee
51 24 ballot request of a person not registered to vote is received
51 25 after registration closes but by 5:00 p.m. on the Saturday
51 26 before the election for primary and general elections or by
51 27 5:00 p.m. on the Friday before the election for all other
51 28 elections, the commissioner shall notify the person of
51 29 election day and in-person absentee registration procedures.

51 30 Finally, Code section 53.2 is amended to provide that a change
51 31 of name, telephone number, or address on an absentee ballot
51 32 application of a voter who has moved within the county shall
51 33 be used to update the voter's registration record.

51 34 Code sections 53.8, 53.17, 53.18, 53.21, 53.22, and 53.30
51 35 are amended to conform to the current use of return envelope
52 1 to refer to the return postage envelopes containing an
52 2 absentee ballot.

52 3 Code section 53.25 is amended to specify that an
52 4 insufficient absentee ballot affidavit is one that lacks the
52 5 voter's signature. The section is also amended to conform
52 6 statutory language on rejecting absentee ballots.

52 7 Code section 53.40, relating to an absentee ballot request
52 8 from a person in the armed forces, is amended to strike the
52 9 requirement that the request include information on the length
52 10 of residency in the city or township, county, and state
52 11 because the federal application form does not include a space
52 12 for that information.

52 13 Code section 53.53 is amended to conform to a federal court
52 14 ruling that if the absentee ballot application of an overseas
52 15 or military voter is not received by the commissioner, a
52 16 federal absentee ballot cast by the voter and received by the
52 17 commissioner is valid.

52 18 Code sections 260C.15 and 260C.22 are amended to allow
52 19 community colleges to submit the question of imposing or
52 20 renewing the facilities property tax levy at the regular
52 21 school election in September of the odd-numbered year or at a
52 22 special election held on the second Tuesday in September of
52 23 the even-numbered year.

52 24 Code sections 275.18 and 368.19 are amended to provide that
52 25 a map of a proposed school district reorganization or proposed
52 26 city annexation, respectively, shall be posted in one place,
52 27 rather than the current four, within the precinct.

52 28 Code section 294.8 is amended to provide that certain
52 29 elections held on school pension systems shall be held at the
52 30 regular school election rather than the general election.

52 31 Code section 298.9 is amended to specify that the portion
52 32 of the physical plant and equipment levy that is required to
52 33 receive approval of the voters may be submitted at a special
52 34 election rather than only at the regular school election.

52 35 This section of the bill takes effect upon enactment.

53 1 Code section 301.24 changes the deadline for submitting a
53 2 petition requesting that the proposition to distribute free
53 3 textbooks in a school district be placed on the regular school
53 4 election ballot. The current deadline of 30 days before the
53 5 election is changed to 60 days before the election.

53 6 Code section 331.201, relating to a vacancy in the office
53 7 of county supervisor, is amended to specifically refer to Code
53 8 section 69.14A, rather than generally to Code chapter 69.

53 9 Code section 331.425, relating to a county special levy
53 10 election, is amended to provide that the election shall be
53 11 held on the first Tuesday in March, rather than the second
53 12 Tuesday in March.

53 13 Code section 372.13, relating to special elections to fill
53 14 a city council vacancy, is amended to change the filing
53 15 deadline for nomination petitions in cities with a primary

53 16 election from 52 days before the election to 53 days before
53 17 the election in order to avoid the deadline falling on a
53 18 Saturday.
53 19 Code section 373.6, relating to metropolitan consolidation
53 20 charters, is amended to change the filing deadline for
53 21 submission of the charter at a general election to no later
53 22 than 69 days before the election, which is the same as the
53 23 filing deadline for offices to be filled at the general
53 24 election.
53 25 Code section 376.4 is amended to clarify the process of
53 26 city clerks accepting and reviewing candidate nomination
53 27 papers filed for city office.
53 28 Code section 384.12, relating to a city special levy
53 29 election, is amended to provide that the election shall be
53 30 held on the first Tuesday in March, rather than the second
53 31 Tuesday in March.
53 32 Code section 468.511, relating to drainage district trustee
53 33 elections, is amended to remove language requiring an absentee
53 34 voter to specify the reason that the voter is voting absentee.
53 35 The following Code sections are amended to remove
54 1 references and requirements relating specifically to voting
54 2 machines (i.e., direct recording electronic devices), which
54 3 are no longer allowed for use in Iowa: 39A.2, 43.45, 46.22,
54 4 47.3, 49.19, 49.25, 49.26, 49.28, 49.43, 49.44, 49.48, 49.56,
54 5 49.90, 49.99, 49.127, 50.22, 50.48, 51.15, 52.1, 52.3 through
54 6 52.6, 52.8, 52.19, 52.23, 52.24, 52.25, 52.27, 52.41, 256.11,
54 7 280.9A, 331.383, 331.427, 331.441, 331.502, and 364.2.
54 8 The following Code sections relating to voting machines,
54 9 are repealed: 50.2, 52.7, 52.9, 52.17, 52.18, 52.20, and
54 10 53.24.
54 11 LSB 1288DP 83
54 12 sc/nh/14.1